



TPW

Docket No: 242838US8CONT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

RE: Application Serial No: 10/665,464

Applicants: Hiroyuki MATSUURA et al.

Filing Date: September 22, 2003

For: METHOD AND APPARATUS FOR INSPECTING
OPTICAL MODULES

Group Art Unit: 2877

Examiner: TU T. NGUYEN

SIR:

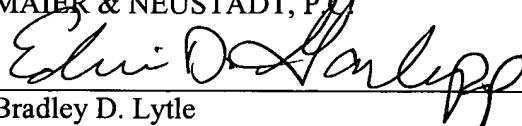
Attached hereto for filing are the following papers:

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

Our check in the amount of \$0.00 is attached covering any required fees. In the event any variance exists between the amount enclosed and the Patent Office charges for filing the above-noted documents, including any fees required under 37 C.F.R. 1.136 for any necessary Extension of Time to make the filing of the attached documents timely, please charge or credit the difference to our Deposit Account No. 15-0030. Further, if these papers are not considered timely filed, then a petition is hereby made under 37 C.F.R. 1.136 for the necessary extension of time. A duplicate copy of this sheet is enclosed.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Registration No. 40,073

Customer Number

22850

(703) 413-3000 (phone)
(703) 413-2220 (fax)

Edwin D. Garlepp
Registration No. 45,330

P.C.

OBLON
SPIVAK
McCLELLAND
MAIER
&
NEUSTADT

ATTORNEYS AT LAW

BRADLEY D. LYTHE
(703) 412-6489
BLYTHE@OBLON.COM

EDWIN D. GARLEPP
SENIOR ASSOCIATE
(703) 413-3000
EGARLEPP@OBLON.COM



DOCKET NO: 242838US8CONT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF :

HIROYUKI MATSUURA, ET AL. : EXAMINER: TU T. NGUYEN

SERIAL NO: 10/665,464 :

FILED: SEPTEMBER 22, 2003 : GROUP ART UNIT: 2877

FOR: METHOD AND APPARATUS FOR
INSPECTING OPTICAL MODULES :

RESPONSE TO RESTRICTION/ELECTION REQUIREMENT

COMMISSIONER FOR PATENTS
ALEXANDRIA, VIRGINIA 22313

SIR:

In response to the Restriction/Election Requirement dated May 18, 2005, Applicants provisionally elect with traverse Group II, Claims 12-25, directed to an inspection board. Applicants further elect Species I, Fig 4, and identify Claims 12-20 as reading on the elected species. Applicants traverse the Restriction/Election Requirement for the following reason.

MPEP § 803

... If the search and examination of an entire application can be made without serious burden, the Examiner must examine it on the merits, even though it includes claims to distinct or independent inventions.

However, the outstanding Restriction/Election Requirement has not established that an undue burden would exist if the Restriction/Election Requirement was not issued and all the claims were examined together. Moreover, the claims of the present invention would appear to be part of an overlapping search area. Accordingly, Applicants respectfully traverse the

Application No. 10/665,464
Reply to Restriction/Election Requirement of May 18, 2005

outstanding Restriction/Election requirement on the grounds that a search and examination of the entire application would not place a *serious* burden on the Examiner.

Accordingly, it is respectfully requested that the requirement to elect a single group be withdrawn, and that a full examination on the merits of Claims 1-26 be conducted.

Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.



Bradley D. Lytle
Attorney of Record
Registration No. 40,073

Edwin D. Garlepp
Registration No. 45,330

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
(OSMMN 06/04)
BDL/EDG/ivh

I:\ATTY\EDG\1294 - FURUKAWA\242838\REST ELECT RSP 5.18.05.DOC